



State of Wisconsin
2005 – 2006 LEGISLATURE

LRB-0302/1

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(Soon)

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RM not R

DOA:.....Justus, BB0079 – Internal Revenue Code update

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

Public Law 108-311, the Working Families Tax Relief Act; and Public Law 108-357, the American Jobs Creation Act

in 12-22-04

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TAXATION

INCOME TAXATION

This bill adopts, for state income and franchise tax purposes, changes made to the Internal Revenue Code by Public Law 108-27, the Jobs and Growth Tax Relief Reconciliation Act, not including changes related to bonus depreciation and expensing provisions and an increase in the alternative minimum tax exemption; Public Law 108-121, the Military Family Tax Relief Act; ~~and~~ Public Law 108-173, the Medicare Prescription Drug, Improvement and Modernization Act, not including changes related to health savings accounts.

Under current law, spouses that file a joint income tax return are both liable for the payment of any tax related to that return. However, DOR may relieve a person of any tax liability related to a joint return, in a manner specified by the Internal Revenue Code and adopted by this state. Generally, DOR may relieve a person of any tax liability related to a joint return if the person's spouse did not notify the person of any tax liability or understatement of taxes related to the joint return. This bill corrects an outdated reference to the sections of the Internal Revenue Code that relate to a spouse's tax liability for a joint income tax return. The bill also requires a spouse to apply for relief from tax liability within two years from the date on which DOR begins collection activities on the spouse's tax liability or within two years from the effective date of the provision, whichever is later.

This bill will be referred to the Joint Survey Committee on Tax Exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 71.01 (6) (j) of the statutes is repealed.

2 **SECTION 2.** 71.01 (6) (k) of the statutes is repealed.

3 **SECTION 3.** 71.01 (6) (L) of the statutes is amended to read:

4 **71.01 (6) (L)** For taxable years that begin after December 31, 1996, and before
5 January 1, 1998, for natural persons and fiduciaries, except fiduciaries of nuclear
6 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
7 Internal Revenue Code as amended to December 31, 1996, excluding sections 103,
8 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277,
11 P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
12 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding
13 sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding
14 section 109 of P.L. 108–121, and as indirectly affected by P.L. 99–514, P.L. 100–203,
15 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280,
16 P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
17 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
18 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
19 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202
20 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.

1 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554,
2 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
3 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
4 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121.
5 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
6 federal purposes. Amendments to the federal Internal Revenue Code enacted after
7 December 31, 1996, do not apply to this paragraph with respect to taxable years
8 beginning after December 31, 1996, and before January 1, 1998, except that
9 changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L.
10 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
11 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
12 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
13 108–121, excluding section 109 of P.L. 108–121, and changes that indirectly affect
14 the provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L.
15 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
16 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
17 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
18 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at the
19 same time as for federal purposes.

20 **SECTION 4.** 71.01 (6) (m) of the statutes is amended to read:

21 71.01 (6) (m) For taxable years that begin after December 31, 1997, and before
22 January 1, 1999, for natural persons and fiduciaries, except fiduciaries of nuclear
23 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
24 Internal Revenue Code as amended to December 31, 1997, excluding sections 103,
25 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203

1 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
2 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36,
3 P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
4 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding
5 sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding
6 section 109 of P.L. 108–121, and as indirectly affected by P.L. 99–514, P.L. 100–203,
7 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280,
8 P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
9 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
10 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
11 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202
12 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
13 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
14 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
15 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
16 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section
17 109 of P.L. 108–121. The Internal Revenue Code applies for Wisconsin purposes at
18 the same time as for federal purposes. Amendments to the federal Internal Revenue
19 Code enacted after December 31, 1997, do not apply to this paragraph with respect
20 to taxable years beginning after December 31, 1997, and before January 1, 1999,
21 except that changes to the Internal Revenue Code made by P.L. 105–178, P.L.
22 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections
23 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
24 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L.
25 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121, and changes that

1 indirectly affect the provisions applicable to this subchapter made by P.L. 105–178,
2 P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding
3 sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L.
4 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147,
5 and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121, apply for
6 Wisconsin purposes at the same time as for federal purposes.

7 **SECTION 5.** 71.01 (6) (n) of the statutes is amended to read:

8 **71.01 (6) (n)** For taxable years that begin after December 31, 1998, and before
9 January 1, 2000, for natural persons and fiduciaries, except fiduciaries of nuclear
10 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
11 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,
12 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
13 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
14 104–188, and as amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
15 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
16 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
17 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109
18 of P.L. 108–121, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647,
19 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508,
20 P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
21 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
22 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
23 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
24 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
25 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.

1 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
2 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
3 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121,
4 excluding section 109 of P.L. 108–121. The Internal Revenue Code applies for
5 Wisconsin purposes at the same time as for federal purposes. Amendments to the
6 federal Internal Revenue Code enacted after December 31, 1998, do not apply to this
7 paragraph with respect to taxable years beginning after December 31, 1998, and
8 before January 1, 2000, except that changes to the Internal Revenue Code made by
9 P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and
10 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134,
11 P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L.
12 107–276, and P.L. 108–121, excluding section 109 of P.L. 108–121, and changes that
13 indirectly affect the provisions applicable to this subchapter made by P.L. 106–36,
14 P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
15 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
16 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L.
17 107–276, and P.L. 108–121, excluding section 109 of P.L. 108–121, apply for
18 Wisconsin purposes at the same time as for federal purposes.

19 **SECTION 6.** 71.01 (6) (o) of the statutes is amended to read:

20 **71.01 (6) (o)** For taxable years that begin after December 31, 1999, and before
21 January 1, 2003, for natural persons and fiduciaries, except fiduciaries of nuclear
22 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
23 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
24 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
25 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.

1 104–188, as amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165
2 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
3 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of
4 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L.
5 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121, ←
6 excluding section 109 of P.L. 108–121, and as indirectly affected by P.L. 99–514, P.L.
7 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
8 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and
9 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
10 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
11 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections
12 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
13 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
14 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
15 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
16 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of
17 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L.
18 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121,
19 excluding section 109 of P.L. 108–121. The Internal Revenue Code applies for
20 Wisconsin purposes at the same time as for federal purposes. Amendments to the
21 federal Internal Revenue Code enacted after December 31, 1999, do not apply to this
22 paragraph with respect to taxable years beginning after December 31, 1999, and
23 before January 1, 2003, except that changes to the Internal Revenue Code made by
24 P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
25 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116,

P.L. 108–311, and P.L. 108–357

P.L. 108-311, and P.L. 108-357

1 P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L.
2 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L. 108–27, excluding
3 sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121, excluding section 109
4 of P.L. 108–121, and changes that indirectly affect the provisions applicable to this
5 subchapter made by P.L. 106–230, P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
6 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
7 excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
8 107–276, and P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
9 108–27, and P.L. 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin
10 purposes at the same time as for federal purposes.

11 **SECTION 7.** 71.01 (6) (p) of the statutes is amended to read:

12 71.01 (6) (p) For taxable years that begin after December 31, 2002, and before
13 January 1, 2004, for natural persons and fiduciaries, except fiduciaries of nuclear
14 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal
15 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,
16 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
17 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
18 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
19 431 of P.L. 107–16, and section 101 of P.L. 107–147, and as amended by P.L. 108–27,
20 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
21 109 of P.L. 108–121, and P.L. 108–173, excluding section 1201 of P.L. 108–173, and
22 as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
23 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L.
24 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
25 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and

1 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
2 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
3 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
4 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
5 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
6 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
7 107–147, excluding section 101 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
8 107–276, and P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
9 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, and P.L. 108–173,
10 excluding section 1201 of P.L. 108–173. The Internal Revenue Code applies for
11 Wisconsin purposes at the same time as for federal purposes. Amendments to the
12 federal Internal Revenue Code enacted after December 31, 2002, do not apply to this
13 paragraph with respect to taxable years beginning after December 31, 2002, and
14 before January 1, 2004, except that changes to the Internal Revenue Code made by
15 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,
16 excluding section 109 of P.L. 108–121, and P.L. 108–173, excluding section 1201 of
17 P.L. 108–173, and changes that indirectly affect the provisions applicable to this
18 subchapter made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27,
19 P.L. 108–121, excluding section 109 of P.L. 108–121, and P.L. 108–173, excluding
20 section 1201 of P.L. 108–173, apply for Wisconsin purposes at the same time as for
21 federal purposes.

22 SECTION 8. 71.01 (6) (q) of the statutes is created to read:

23 71.01 (6) (q) For taxable years that begin after December 31, 2003, and before
24 January 1, 2005, for natural persons and fiduciaries, except fiduciaries of nuclear
25 decommissioning trust or reserve funds, “Internal Revenue Code” means the federal

, P.L. 108–311, and P.L. 108–357

Internal Revenue Code as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, section 101 of P.L. 107–147, sections 106, 201, and 202 of P.L. 108–27, and as indirectly affected by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–280, P.L. 101–508, P.L. 102–90, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–117, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding section 101 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, ~~and~~ P.L. 108–173, excluding section 1201 of P.L. 108–173. The Internal Revenue Code applies for Wisconsin purposes at the same time as for federal purposes. Amendments to the federal Internal Revenue Code enacted after December 31, 2003, do not apply to this paragraph with respect to taxable years beginning after December 31, 2003, and before January 1, 2005, except that changes to the Internal Revenue Code made by P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, ~~and~~ P.L. 108–173, excluding section 1201 of P.L. 108–173, *and P.L. 108-311, and P.L. 108-357*

P.L. 108-311, and P.L. 108-357,

1 P.L. 108-173, and changes that indirectly affect the provisions applicable to this
2 subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27,
3 P.L. 108-121, excluding section 109 of P.L. 108-121, ~~and~~ P.L. 108-173, excluding
4 section 1201 of P.L. 108-173, apply for Wisconsin purposes at the same time as for
5 federal purposes.

6 **SECTION 9.** 71.01 (6) (r) of the statutes is created to read:

7 71.01 (6) (r) For taxable years that begin after December 31, 2004, for natural
8 persons and fiduciaries, except fiduciaries of nuclear decommissioning trust or
9 reserve funds, “Internal Revenue Code” means the federal Internal Revenue Code
10 as amended to December 31, 2004, excluding sections 103, 104, and 110 of P.L.
11 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66,
12 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519,
13 sections 162 and 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, section
14 101 of P.L. 107-147, sections 106, 201, and 202 of P.L. 108-27, and section 1201 of
15 P.L. 108-173, and as indirectly affected by P.L. 99-514, P.L. 100-203, P.L. 100-647,
16 P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-280, P.L. 101-508,
17 P.L. 102-90, P.L. 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L.
18 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d),
19 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L.
20 104-7, P.L. 104-117, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
21 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
22 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
23 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
24 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.
25 107-134, P.L. 107-147, excluding section 101 of P.L. 107-147, P.L. 107-181, P.L.

, P.L. 108-311, and P.L. 108-357

1 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
2 202 of P.L. 108-27, P.L. 108-121, ~~and~~ P.L. 108-173, excluding section 1201 of P.L.
3 108-173. The Internal Revenue Code applies for Wisconsin purposes at the same
4 time as for federal purposes. Amendments to the federal Internal Revenue Code
5 enacted after December 31, 2004, do not apply to this paragraph with respect to
6 taxable years beginning after December 31, 2004.

7 **SECTION 10.** 71.10 (6) (a) of the statutes is amended to read:

8 **71.10 (6) (a)** *Joint returns.* Persons filing a joint return are jointly and severally
9 liable for the tax, interest, penalties, fees, additions to tax and additional
10 assessments under this chapter applicable to the return. ~~A Except as provided in~~
11 ~~par. (e), a person shall be relieved of liability in regard to a joint return in the manner~~
12 ~~specified in section 6013 (e) 6015 (a) to (d) and (f) of the internal revenue code,~~
13 ~~notwithstanding the amount or percentage of the understatement Internal Revenue~~
14 Code.

15 **SECTION 11.** 71.10 (6) (b) of the statutes is amended to read:

16 **71.10 (6) (b)** *Separate returns.* ~~A Except as provided in par. (e), a spouse filing~~
17 a separate return may be relieved of liability for the tax, interest, penalties, fees,
18 additions to tax and additional assessments under this chapter with regard to
19 unreported marital property income in the manner specified in section 66 (c) of the
20 internal revenue code Internal Revenue Code. The department may not apply ch.
21 766 in assessing a taxpayer with respect to marital property income the taxpayer did
22 not report if that taxpayer failed to notify the taxpayer's spouse about the amount
23 and nature of the income before the due date, including extensions, for filing the
24 return for the taxable year in which the income was derived. The department shall
25 include all of that marital property income in the gross income of the taxpayer and

1 exclude all of that marital property income from the gross income of the taxpayer's
2 spouse.

3 **SECTION 12.** 71.10 (6) (e) of the statutes is created to read:

4 **71.10 (6) (e) *Application for relief.*** A person who seeks relief from liability
5 under par. (a) or (b) shall apply for relief with the department, on a form prescribed
6 by the department, within 2 years after the date on which the department first
7 begins collection activities after the effective date of this paragraph [revisor
8 inserts date].

9 **SECTION 13.** 71.10 (6m) (a) of the statutes is amended to read:

10 **71.10 (6m) (a) A Except as provided in par. (c),** a formerly married or remarried
11 person filing a return for a period during which the person was married may be
12 relieved of liability for the tax, interest, penalties, fees, additions to tax and
13 additional assessments under this chapter ~~for unreported marital property income~~
14 from that period as if the person were a spouse under section 66 (c) of the internal
15 revenue code Internal Revenue Code. The department may not apply ch. 766 in
16 assessing the former spouse of the person with respect to marital property income
17 that the former spouse did not report if that former spouse failed to notify the person
18 about the amount and nature of the income before the due date, including extensions,
19 for filing the return for the taxable year during which the income was derived. The
20 department shall include all of that marital property income in the gross income of
21 the former spouse and exclude all of that marital property income from the gross
22 income of the person.

23 **SECTION 14.** 71.10 (6m) (c) of the statutes is created to read:

24 **71.10 (6m) (c)** A person who seeks relief from liability under par. (a) shall apply
25 for relief with the department as provided under sub. (6) (e).

1 **SECTION 15.** 71.22 (4) (j) of the statutes is repealed.

2 **SECTION 16.** 71.22 (4) (k) of the statutes, is repealed.

3 **SECTION 17.** 71.22 (4) (L) of the statutes is amended to read:

4 **71.22 (4) (L)** Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
5 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after
6 December 31, 1996, and before January 1, 1998, means the federal Internal
7 Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and
8 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
9 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
10 and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L.
11 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
12 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
13 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section
14 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to this
15 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2)
16 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
17 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
18 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
19 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
20 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
21 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
22 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
23 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
24 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
25 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.

1 108–121, excluding section 109 of P.L. 108–121. The Internal Revenue Code applies
2 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
3 federal Internal Revenue Code enacted after December 31, 1996, do not apply to this
4 paragraph with respect to taxable years beginning after December 31, 1996, and
5 before January 1, 1998, except that changes to the Internal Revenue Code made by
6 P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554,
7 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
8 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
9 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121,
10 and changes that indirectly affect the provisions applicable to this subchapter made
11 by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554,
12 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
13 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
14 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121,
15 apply for Wisconsin purposes at the same time as for federal purposes.

16 **SECTION 18.** 71.22 (4) (m) of the statutes is amended to read:

17 71.22 (4) (m) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
18 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after
19 December 31, 1997, and before January 1, 1999, means the federal Internal
20 Revenue Code as amended to December 31, 1997, excluding sections 103, 104, and
21 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
22 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
23 and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
24 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
25 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections

1 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section
2 109 P.L. 108–121, and as indirectly affected in the provisions applicable to this
3 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2)
4 (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008
5 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L.
6 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
7 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
8 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
9 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
10 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
11 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554,
12 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
13 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
14 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121.

15 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
16 federal purposes. Amendments to the federal Internal Revenue Code enacted after
17 December 31, 1997, do not apply to this paragraph with respect to taxable years
18 beginning after December 31, 1997, and before January 1, 1999, except that
19 changes to the Internal Revenue Code made by P.L. 105–178, P.L. 105–206, P.L.
20 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of
21 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
22 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
23 108–121, excluding section 109 of P.L. 108–121, and changes that indirectly affect
24 the provisions applicable to this subchapter made by P.L. 105–178, P.L. 105–206, P.L.
25 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of

1 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
2 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
3 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at the
4 same time as for federal purposes.

5 **SECTION 19.** 71.22 (4) (n) of the statutes is amended to read:

6 **71.22 (4) (n)** Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
7 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after
8 December 31, 1998, and before January 1, 2000, means the federal Internal
9 Revenue Code as amended to December 31, 1998, excluding sections 103, 104, and
10 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
11 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188,
12 and as amended by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding
13 sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L.
14 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147,
15 P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109 of P.L.
16 108–121, and as indirectly affected in the provisions applicable to this subchapter
17 by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d)
18 (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L.
19 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L.
20 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
21 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
22 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
23 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
24 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
25 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,

1 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
2 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
3 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109
4 of 108–121. The Internal Revenue Code applies for Wisconsin purposes at the same
5 time as for federal purposes. Amendments to the federal Internal Revenue Code
6 enacted after December 31, 1998, do not apply to this paragraph with respect to
7 taxable years beginning after December 31, 1998, and before January 1, 2000,
8 except that changes to the Internal Revenue Code made by P.L. 106–36, P.L.
9 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
10 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147,
11 excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and
12 P.L. 108–121, excluding section 109 of P.L. 108–121, and changes that indirectly
13 affect the provisions applicable to this subchapter made by P.L. 106–36, P.L.
14 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
15 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147,
16 excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and
17 P.L. 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at
18 the same time as for federal purposes.

19 **SECTION 20.** 71.22 (4) (o) of the statutes is amended to read:

20 **71.22 (4) (o)** Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
21 (1g) and 71.42 (2), “Internal Revenue Code”, for taxable years that begin after
22 December 31, 1999, and before January 1, 2003, means the federal Internal Revenue
23 Code as amended to December 31, 1999, excluding sections 103, 104, and 110 of P.L.
24 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66
25 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as

1 amended by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L.
2 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22,
3 P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
4 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121, excluding
6 section 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to
7 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647 excluding sections 803
8 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99–514 and section
9 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,
10 P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
11 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
12 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
13 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
14 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
15 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
16 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
17 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
18 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210,
19 P.L. 107–276, and P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202
20 of P.L. 108–27, and P.L. 108–121, excluding section 109 of P.L. 108–121. The Internal
21 Revenue Code applies for Wisconsin purposes at the same time as for federal
22 purposes. Amendments to the federal Internal Revenue Code enacted after
23 December 31, 1999, do not apply to this paragraph with respect to taxable years
24 beginning after December 31, 1999, and before January 1, 2003, except that changes
25 to the Internal Revenue Code made by P.L. 106–230, P.L. 106–554, excluding sections

P.L. 108–311, and P.L. 108–357

1 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L.
2 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections
3 101 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L.
4 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, and P.L.
5 108–121, excluding section 109 of P.L. 108–121,] and changes that indirectly affect
6 the provisions applicable to this subchapter made by P.L. 106–230, P.L. 106–554,
7 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
8 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
9 excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
10 107–276, and P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
11 108–27, and P.L. 108–121, excluding section 109 of P.L. 108–121,] apply for Wisconsin
12 purposes at the same time as for federal purposes.

13 **SECTION 21.** 71.22 (4) (p) of the statutes is amended to read:

14 71.22 (4) (p) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
15 (1g), and 71.42 (2), “Internal Revenue Code,” for taxable years that begin after
16 December 31, 2002, and before January 1, 2004, means the federal Internal Revenue
17 Code as amended to December 31, 2002, excluding sections 103, 104, and 110 of P.L.
18 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
19 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
20 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, and
21 section 101 of P.L. 107–147, and as amended by P.L. 108–27, excluding sections 106,
22 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, and
23 P.L. 108–173, excluding section 1201 of P.L. 108–173,] and as indirectly affected in the
24 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647
25 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and 823 (c) (2)

P.L. 108–311, and P.L. 108–357

1 of P.L. 99-514 and section 1008 (g) (5) of P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L.
2 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and
3 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections
4 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L.
5 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202
6 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L.
7 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.
8 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554,
9 P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L.
10 107-116, P.L. 107-134, P.L. 107-147, excluding section 101 of P.L. 107-147, P.L.
11 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L. 108-27, excluding
12 sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L.
13 108-121, and P.L. 108-173, excluding section 1201 of P.L. 108-173. The Internal

14 Revenue Code applies for Wisconsin purposes at the same time as for federal
15 purposes. Amendments to the federal Internal Revenue Code enacted after
16 December 31, 2002, do not apply to this paragraph with respect to taxable years
17 beginning after December 31, 2002, and before January 1, 2004, except that changes
18 to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and
19 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, and P.L.
20 108-173, excluding section 1201 of P.L. 108-173, and changes that indirectly affect
21 the provisions applicable to this subchapter made by P.L. 108-27, excluding sections
22 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
23 and P.L. 108-173, excluding section 1201 of P.L. 108-173, apply for Wisconsin
24 purposes at the same time as for federal purposes.

25 **SECTION 22.** 71.22 (4) (q) of the statutes is created to read:

P.L. 108-311, and P.L. 108-357

(22)

and as amended by P.L. 108-311 and P.L. 108-357

1 71.22 (4) (q) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
2 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after
3 December 31, 2003, and before January 1, 2005, means the federal Internal Revenue
4 Code as amended to December 31, 2003, excluding sections 103, 104, and 110 of P.L.
5 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
6 sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 106–519,
7 sections 162 and 165 of P.L. 106–554, P.L. 106–573, section 431 of P.L. 107–16, section
8 101 of P.L. 107–147, and sections 106, 201, and 202 of P.L. 108–27, and as indirectly
9 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,
10 P.L. 100–647 excluding sections 803 (d) (2) (B), 805 (d) (2), 812 (c) (2), 821 (b) (2), and
11 823 (c) (2) of P.L. 99–514 and section 1008 (g) (5) of P.L. 100–647, P.L. 101–73, P.L.
12 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
13 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
14 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
15 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
16 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
17 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
18 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
19 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
20 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding section 101 of P.L.
21 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27,
22 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
23 109 of P.L. 108–121, ~~and~~ P.L. 108–173, excluding section 1201 of P.L. 108–173. The
24 Internal Revenue Code applies for Wisconsin purposes at the same time as for federal
25 purposes. Amendments to the federal Internal Revenue Code enacted after

, P.L. 108-311, and P.L. 108-357

P.L. 108-311, and P.L. 108-357

1 December 31, 2003, do not apply to this paragraph with respect to taxable years
2 beginning after December 31, 2003, and before January 1, 2005, except that changes
3 to the Internal Revenue Code made by P.L. 108-27, excluding sections 106, 201, and
4 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, ~~and~~ P.L.
5 108-173, excluding section 1201 of P.L. 108-173, and changes that indirectly affect
6 the provisions applicable to this subchapter made by P.L. 108-27, excluding sections
7 106, 201, and 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121,
8 ~~and~~ P.L. 108-173, excluding section 1201 of P.L. 108-173, apply for Wisconsin
9 purposes at the same time as for federal purposes.

10 **SECTION 23.** 71.22 (4) (r) of the statutes is created to read:

11 71.22 (4) (r) Except as provided in sub. (4m) and ss. 71.26 (2) (b) and (3), 71.34
12 (1g), and 71.42 (2), "Internal Revenue Code," for taxable years that begin after
13 December 31, 2004, means the federal Internal Revenue Code as amended to
14 December 31, 2004, excluding sections 103, 104, and 110 of P.L. 102-227, sections
15 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
16 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and
17 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, section 101 of P.L.
18 107-147, sections 106, 201, and 202 of P.L. 108-27, and section 1201 of P.L. 108-173,
19 and as indirectly affected in the provisions applicable to this subchapter by P.L.
20 99-514, P.L. 100-203, P.L. 100-647, excluding sections 803 (d) (2) (B), 805 (d) (2), 812
21 (c) (2), 821 (b) (2), and 823 (c) (2) of P.L. 99-514 and section 1008 (g) (5) of P.L.
22 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L.
23 102-227, excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L.
24 102-486, P.L. 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
25 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L.

, P.L. 108-311, and P.L. 108-357

1 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
2 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
3 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
4 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding
5 section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147,
6 excluding section 101 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, P.L.
7 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L.
8 108–121, ~~and~~ P.L. 108–173, excluding section 1201 of P.L. 108–173. The Internal
9 Revenue Code applies for Wisconsin purposes at the same time as for federal
10 purposes. Amendments to the federal Internal Revenue Code enacted after
11 December 31, 2004, do not apply to this paragraph with respect to taxable years
12 beginning after December 31, 2004.

13 **SECTION 24.** 71.22 (4m) (h) of the statutes is repealed.

14 **SECTION 25.** 71.22 (4m) (i) of the statutes is repealed.

15 **SECTION 26.** 71.22 (4m) (j) of the statutes is amended to read:

16 71.22 (4m) (j) For taxable years that begin after December 31, 1996, and before
17 January 1, 1998, “Internal Revenue Code”, for corporations that are subject to a tax
18 on unrelated business income under s. 71.26 (1) (a), means the federal Internal
19 Revenue Code as amended to December 31, 1996, excluding sections 103, 104, and
20 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
21 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188
22 and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L.
23 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
24 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
25 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section

1 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to this
2 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
3 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
4 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
5 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
6 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
7 (c), 1204 (f), 1311 and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
8 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554,
9 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
10 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
11 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L. 108–121.
12 The Internal Revenue Code applies for Wisconsin purposes at the same time as for
13 federal purposes. Amendments to the Internal Revenue Code enacted after
14 December 31, 1996, do not apply to this paragraph with respect to taxable years
15 beginning after December 31, 1996, and before January 1, 1998, except that
16 changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L.
17 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
18 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
19 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
20 108–121, excluding section 109 of P.L. 108–121, and changes that indirectly affect
21 provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L.
22 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
23 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
24 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.

1 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at the
2 same time as for federal purposes.

3 **SECTION 27.** 71.22 (4m) (k) of the statutes is amended to read:

4 **71.22 (4m) (k)** For taxable years that begin after December 31, 1997, and
5 before January 1, 1999, “Internal Revenue Code”, for corporations that are subject
6 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
7 Internal Revenue Code as amended to December 31, 1997, excluding sections 103,
8 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36,
11 P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
12 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding
13 sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding
14 section 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to
15 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
16 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
17 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
18 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
19 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
20 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
21 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
22 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
23 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147,
24 excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121,
25 excluding section 109 of P.L. 108–121. The Internal Revenue Code applies for

1 Wisconsin purposes at the same time as for federal purposes. Amendments to the
2 Internal Revenue Code enacted after December 31, 1997, do not apply to this
3 paragraph with respect to taxable years beginning after December 31, 1997, and
4 before January 1, 1999, except that changes to the Internal Revenue Code made by
5 P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-554,
6 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
7 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.
8 107-147, and P.L. 107-181, and P.L. 108-121, excluding section 109 of P.L. 108-121,
9 and changes that indirectly affect the provisions applicable to this subchapter made
10 by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-554,
11 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
12 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.
13 107-147, and P.L. 107-181, and P.L. 108-121, excluding section 109 of P.L. 108-121,
14 apply for Wisconsin purposes at the same time as for federal purposes.

15 **SECTION 28.** 71.22 (4m) (L) of the statutes is amended to read:

16 **71.22 (4m) (L)** For taxable years that begin after December 31, 1998, and
17 before January 1, 2000, “Internal Revenue Code”, for corporations that are subject
18 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
19 Internal Revenue Code as amended to December 31, 1998, excluding sections 103,
20 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
21 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
22 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554,
23 excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431
24 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L.
25 107-147, P.L. 107-181, and P.L. 107-276, and P.L. 108-121, excluding section 109

1 of P.O. 108–121, and as indirectly affected in the provisions applicable to this
2 subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140,
3 P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104,
4 and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections
5 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L.
6 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202
7 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L.
8 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
9 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,
10 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147,
11 excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and
12 P.L. 108–121, excluding section 109 of P.L. 108–121. The Internal Revenue Code
13 applies for Wisconsin purposes at the same time as for federal purposes.
14 Amendments to the Internal Revenue Code enacted after December 31, 1998, do not
15 apply to this paragraph with respect to taxable years beginning after
16 December 31, 1998, and before January 1, 2000, except that changes to the Internal
17 Revenue Code made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
18 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
19 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
20 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109
21 of P.L. 108–121, and changes that indirectly affect the provisions applicable to this
22 subchapter made by P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
23 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
24 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
25 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109

1 of P.L. 108-121, apply for Wisconsin purposes at the same time as for federal
2 purposes.

3 **SECTION 29.** 71.22 (4m) (m) of the statutes is amended to read:

4 **71.22 (4m) (m)** For taxable years that begin after December 31, 1999, and
5 before January 1, 2003, “Internal Revenue Code”, for corporations that are subject
6 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
7 Internal Revenue Code as amended to December 31, 1999, excluding sections 103,
8 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
9 (d) of P.L. 103-66, and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
10 104-188, and as amended by P.L. 106-230, P.L. 106-554, excluding sections 162 and
11 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L. 107-16,
12 P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections 101 and
13 406 of P.L. 107-147, P.L. 107-181, P.L. 107-210, P.L. 107-276, and P.L. 107-358, P.L.
14 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, and P.L. 108-121,
15 excluding section 109 of P.L. 108-121, and as indirectly affected in the provisions
16 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.
17 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
18 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
19 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
20 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
21 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
22 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.
23 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
24 162 and 165 of P.L. 106-554, P.L. 107-15, P.L. 107-16, excluding section 431 of P.L.
25 107-16, P.L. 107-22, P.L. 107-116, P.L. 107-134, P.L. 107-147, excluding sections

, P.L. 108-311, and P.L. 108-357

1 101 and 406 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L.
2 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, and P.L.
3 108–121, excluding section 109 of P.L. 108–121, The Internal Revenue Code applies
4 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
5 Internal Revenue Code enacted after December 31, 1999, do not apply to this
6 paragraph with respect to taxable years beginning after December 31, 1999, and
7 before January 1, 2003, except that changes to the Internal Revenue Code made by
8 P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.
9 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116,
10 P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L.
11 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L. 108–27, excluding
12 sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121, excluding section 109
13 of P.L. 108–121, and changes that indirectly affect the provisions applicable to this
14 subchapter made by P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
15 P.L. 106–554, P.L. 107–15, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L.
16 107–22, P.L. 107–116, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of
17 P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L. 107–276, and P.L. 107–358, P.L.
18 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, and P.L. 108–121,
19 excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at the same time
20 as for federal purposes.

SECTION 30. 71.22 (4m) (n) of the statutes is amended to read:

21 71.22 (4m) (n) For taxable years that begin after December 31, 2002, and
22 before January 1, 2004, “Internal Revenue Code,” for corporations that are subject
23 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
24 Internal Revenue Code as amended to December 31, 2002, excluding sections 103,

P.L. 108–311, and P.L. 108–357

1 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
2 (d) of P.L. 103–66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
3 104–188, P.L. 106–519, sections 162 and 165 of P.L. 106–554, P.L. 106–573, section
4 431 of P.L. 107–16, and section 101 of P.L. 107–147, and as amended by P.L. 108–27,
5 excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121, excluding section
6 109 of P.L. 108–121, and P.L. 108–173, excluding section 1201 of P.L. 108–173, and
7 as indirectly affected in the provisions applicable to this subchapter by P.L. 99–514,
8 P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239,
9 P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L.
10 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d),
11 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L.
12 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605
13 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L.
14 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L.
15 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15, P.L. 107–16,
16 excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L. 107–134, P.L.
17 107–147, excluding section 101 of P.L. 107–147, P.L. 107–181, P.L. 107–210, P.L.
18 107–276, and P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and 202 of P.L.
19 108–27, P.L. 108–121, excluding section 109 of P.L. 108–121, and P.L. 108–173,
20 excluding section 1201 of P.L. 108–173. The Internal Revenue Code applies for
21 Wisconsin purposes at the same time as for federal purposes. Amendments to the
22 Internal Revenue Code enacted after December 31, 2002, do not apply to this
23 paragraph with respect to taxable years beginning after December 31, 2002, and
24 before January 1, 2004, except that changes to the Internal Revenue Code made by
25 P.L. 108–27, excluding sections 106, 201, and 202 of P.L. 108–27, P.L. 108–121,

+ P.L. 108-311, and P.L. 108-357

P.L. 108-311, and P.L. 108-357

1 excluding section 109 of P.L. 108-121, ~~and~~ P.L. 108-173, excluding section 1201 of
2 P.L. 108-173, and changes that indirectly affect the provisions applicable to this
3 subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27,
4 P.L. 108-121, excluding section 109 of P.L. 108-121, ~~and~~ P.L. 108-173, excluding
5 section 1201 of P.L. 108-173, apply for Wisconsin purposes at the same time as for
6 federal purposes.

7 **SECTION 31.** 71.22 (4m) (o) of the statutes is created to read:

8 71.22 (4m) (o) For taxable years that begin after December 31, 2003, and
9 before January 1, 2005, “Internal Revenue Code,” for corporations that are subject
10 to a tax on unrelated business income under s. 71.26 (1) (a), means the federal
11 Internal Revenue Code as amended to December 31, 2003, excluding sections 103,
12 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
13 (d) of P.L. 103-66, sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
14 104-188, P.L. 106-519, sections 162 and 165 of P.L. 106-554, P.L. 106-573, section
15 431 of P.L. 107-16, section 101 of P.L. 107-147, and sections 106, 201, and 202 of P.L.
16 108-27, and as indirectly affected in the provisions applicable to this subchapter by

17 P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L. 101-73, P.L. 101-140, P.L. 101-179,
18 P.L. 101-239, P.L. 101-508, P.L. 102-227, excluding sections 103, 104, and 110 of P.L.
19 102-227, P.L. 102-318, P.L. 102-486, P.L. 103-66, excluding sections 13113, 13150
20 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, P.L. 103-296, P.L. 103-337, P.L.
21 103-465, P.L. 104-7, P.L. 104-188, excluding sections 1123 (b), 1202 (c), 1204 (f),
22 1311, and 1605 (d) of P.L. 104-188, P.L. 104-191, P.L. 104-193, P.L. 105-33, P.L.
23 105-34, P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L. 106-170, P.L.
24 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-15,
25 P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-22, P.L. 107-116, P.L.

and as amended by P.L. 108-311 and P.L. 108-357

, P.L. 108-311, and P.L. 108-357

1 107-134, P.L. 107-147, excluding section 101 of P.L. 107-147, P.L. 107-181, P.L.
2 107-210, P.L. 107-276, P.L. 107-358, P.L. 108-27, excluding sections 106, 201, and
3 202 of P.L. 108-27, P.L. 108-121, excluding section 109 of P.L. 108-121, ~~and~~ P.L.
4 108-173, excluding section 1201 of P.L. 108-173. The Internal Revenue Code applies
5 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
6 Internal Revenue Code enacted after December 31, 2003, do not apply to this
7 paragraph with respect to taxable years beginning after December 31, 2003, and
8 before January 1, 2005, except that changes to the Internal Revenue Code made by
9 P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27, P.L. 108-121,
10 excluding section 109 of P.L. 108-121, ~~and~~ P.L. 108-173, excluding section 1201 of
11 P.L. 108-173, and changes that indirectly affect the provisions applicable to this
12 subchapter made by P.L. 108-27, excluding sections 106, 201, and 202 of P.L. 108-27,
13 P.L. 108-121, excluding section 109 of P.L. 108-121, ~~and~~ P.L. 108-173, excluding
14 section 1201 of P.L. 108-173, apply for Wisconsin purposes at the same time as for
15 federal purposes.

16 **SECTION 32.** 71.22 (4m) (p) of the statutes is created to read:

17 71.22 (4m) (p) For taxable years that begin after December 31, 2004, "Internal
18 Revenue Code," for corporations that are subject to a tax on unrelated business
19 income under s. 71.26 (1) (a), means the federal Internal Revenue Code as amended
20 to December 31, 2004, excluding sections 103, 104, and 110 of P.L. 102-227, sections
21 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103-66, sections 1123 (b),
22 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L. 106-519, sections 162 and
23 165 of P.L. 106-554, P.L. 106-573, section 431 of P.L. 107-16, section 101 of P.L.
24 107-147, sections 106, 201, and 202 of P.L. 108-27, and section 1201 of P.L. 108-173,
25 and as indirectly affected in the provisions applicable to this subchapter by P.L.

/, P.L. 108-311, and P.L. 108-357

1 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L.
2 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
3 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
4 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
5 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
6 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
7 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
8 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–15,
9 P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–22, P.L. 107–116, P.L.
10 107–134, P.L. 107–147, excluding section 101 of P.L. 107–147, P.L. 107–181, P.L.
11 107–210, P.L. 107–276, P.L. 107–358, P.L. 108–27, excluding sections 106, 201, and
12 202 of P.L. 108–27, P.L. 108–121, ~~and~~ P.L. 108–173, excluding section 1201 of P.L.
13 108–173. The Internal Revenue Code applies for Wisconsin purposes at the same
14 time as for federal purposes. Amendments to the Internal Revenue Code enacted
15 after December 31, 2004, do not apply to this paragraph with respect to taxable years
16 beginning after December 31, 2004.

17 **SECTION 33.** 71.26 (2) (b) 10. of the statutes is repealed.

18 **SECTION 34.** 71.26 (2) (b) 11. of the statutes is repealed.

19 **SECTION 35.** 71.26 (2) (b) 12. of the statutes is amended to read:

20 **71.26 (2) (b) 12.** For taxable years that begin after December 31, 1996, and
21 before January 1, 1998, for a corporation, conduit or common law trust which
22 qualifies as a regulated investment company, real estate mortgage investment
23 conduit, real estate investment trust or financial asset securitization investment
24 trust under the Internal Revenue Code as amended to December 31, 1996, excluding
25 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),

1 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and
2 1605 (d) of P.L. 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206,
3 P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L.
4 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
5 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
6 108–121, excluding section 109 of P.L. 108–121, and as indirectly affected in the
7 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
8 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
9 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
10 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
11 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
12 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
13 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L.
14 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
15 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
16 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section
17 109 of P.L. 108–121, “net income” means the federal regulated investment company
18 taxable income, federal real estate mortgage investment conduit taxable income,
19 federal real estate investment trust or financial asset securitization investment
20 trust taxable income of the corporation, conduit or trust as determined under the
21 Internal Revenue Code as amended to December 31, 1996, excluding sections 103,
22 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203
23 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
24 104–188 and as amended by P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277,
25 P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L.

1 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding
2 sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding
3 section 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to
4 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
5 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
6 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
7 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
8 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
9 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
10 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L.
11 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
12 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and
13 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L.
14 108–121, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats., is
15 required to be depreciated for taxable years 1983 to 1986 under the Internal Revenue
16 Code as amended to December 31, 1980, shall continue to be depreciated under the
17 Internal Revenue Code as amended to December 31, 1980, and except that the
18 appropriate amount shall be added or subtracted to reflect differences between the
19 depreciation or adjusted basis for federal income tax purposes and the depreciation
20 or adjusted basis under this chapter of any property disposed of during the taxable
21 year. The Internal Revenue Code as amended to December 31, 1996, excluding
22 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
23 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311,
24 and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–33, P.L. 105–34, P.L.
25 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of

1 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
2 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
3 108–121, excluding section 109 of P.L. 108–121, and as indirectly affected in the
4 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
5 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
6 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
7 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
8 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
9 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
10 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–206, P.L. 105–277, P.L.
11 106–36, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
12 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
13 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section
14 109 of P.L. 108–121, applies for Wisconsin purposes at the same time as for federal
15 purposes. Amendments to the Internal Revenue Code enacted after
16 December 31, 1996, do not apply to this subdivision with respect to taxable years
17 that begin after December 31, 1996, and before January 1, 1998, except that
18 changes to the Internal Revenue Code made by P.L. 105–33, P.L. 105–34, P.L.
19 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
20 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
21 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
22 108–121, excluding section 109 of P.L. 108–121, and changes that indirectly affect
23 the provisions applicable to this subchapter made by P.L. 105–33, P.L. 105–34, P.L.
24 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–554, excluding sections 162 and 165 of
25 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.

1 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
2 108–121, excluding section 109 of P.L. 108–121, apply for Wisconsin purposes at the
3 same time as for federal purposes.

4 **SECTION 36.** 71.26 (2) (b) 13. of the statutes is amended to read:

5 71.26 (2) (b) 13. For taxable years that begin after December 31, 1997, and
6 before January 1, 1999, for a corporation, conduit or common law trust which
7 qualifies as a regulated investment company, real estate mortgage investment
8 conduit, real estate investment trust or financial asset securitization investment
9 trust under the Internal Revenue Code as amended to December 31, 1997, excluding
10 sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171 (d),
11 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and
12 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206, P.L.
13 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of
14 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
15 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
16 108–121, excluding section 109 of P.L. 108–121, and as indirectly affected in the
17 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
18 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
19 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
20 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
21 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
22 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
23 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
24 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of
25 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.

1 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
2 108–121, excluding section 109 of P.L. 108–121, “net income” means the federal
3 regulated investment company taxable income, federal real estate mortgage
4 investment conduit taxable income, federal real estate investment trust or financial
5 asset securitization investment trust taxable income of the corporation, conduit or
6 trust as determined under the Internal Revenue Code as amended to December 31,
7 1997, excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d),
8 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123 (b), 1202 (c), 1204
9 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L. 105–178, P.L. 105–206,
10 P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and
11 165 of P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134,
12 P.L. 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and
13 P.L. 108–121, excluding section 109 of P.L. 108–121, and as indirectly affected in the
14 provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647,
15 P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227,
16 excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L.
17 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
18 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188,
19 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L.
20 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L.
21 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–554, excluding sections 162 and 165 of
22 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
23 107–147, excluding sections 101 and 406 of P.L. 107–147, and P.L. 107–181, and P.L.
24 108–121, excluding section 109 of P.L. 108–121, except that property that, under s.
25 71.02 (1) (c) 8. to 11., 1985 stats., is required to be depreciated for taxable years 1983

1 to 1986 under the Internal Revenue Code as amended to December 31, 1980, shall
2 continue to be depreciated under the Internal Revenue Code as amended to
3 December 31, 1980, and except that the appropriate amount shall be added or
4 subtracted to reflect differences between the depreciation or adjusted basis for
5 federal income tax purposes and the depreciation or adjusted basis under this
6 chapter of any property disposed of during the taxable year. The Internal Revenue
7 Code as amended to December 31, 1997, excluding sections 103, 104, and 110 of P.L.
8 102–227, sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66,
9 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as
10 amended by P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170,
11 P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
12 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and
13 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L.
14 108–121, and as indirectly affected in the provisions applicable to this subchapter
15 by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179,
16 P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections 103, 104, and 110 of P.L.
17 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding sections 13113, 13150
18 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L.
19 103–465, P.L. 104–7, P.L. 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f),
20 1311 and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L.
21 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L.
22 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding
23 section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and
24 406 of P.L. 107–147, and P.L. 107–181, and P.L. 108–121, excluding section 109 of P.L.
25 108–121, applies for Wisconsin purposes at the same time as for federal purposes.

1 Amendments to the Internal Revenue Code enacted after December 31, 1997, do not
2 apply to this subdivision with respect to taxable years that begin after
3 December 31, 1997, and before January 1, 1999, except that changes to the Internal
4 Revenue Code made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.
5 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16,
6 excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections
7 101 and 406 of P.L. 107-147, and P.L. 107-181, and P.L. 108-121, excluding section
8 109 of P.L. 108-121, and changes that indirectly affect the provisions applicable to
9 this subchapter made by P.L. 105-178, P.L. 105-206, P.L. 105-277, P.L. 106-36, P.L.
10 106-170, P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16,
11 excluding section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections
12 101 and 406 of P.L. 107-147, and P.L. 107-181, and P.L. 108-121, excluding section
13 109 of P.L. 108-121, apply for Wisconsin purposes at the same time as for federal
14 purposes.

15 **SECTION 37.** 71.26 (2) (b) 14. of the statutes is amended to read:

16 **71.26 (2) (b) 14.** For taxable years that begin after December 31, 1998, and
17 before January 1, 2000, for a corporation, conduit or common law trust which
18 qualifies as a regulated investment company, real estate mortgage investment
19 conduit, real estate investment trust or financial asset securitization investment
20 trust under the Internal Revenue Code as amended to December 31, 1998, excluding
21 sections 103, 104, and 110 of P.L. 102-227, sections 13113, 13150 (d), 13171 (d),
22 13174, and 13203 (d) of P.L. 103-66 and sections 1123 (b), 1202 (c), 1204 (f), 1311, and
23 1605 (d) of P.L. 104-188, and as amended by P.L. 106-36, P.L. 106-170, P.L. 106-230,
24 P.L. 106-554, excluding sections 162 and 165 of P.L. 106-554, P.L. 107-16, excluding
25 section 431 of P.L. 107-16, P.L. 107-134, P.L. 107-147, excluding sections 101 and

1 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding
2 section 109 of P.L. 108–121, and as indirectly affected in the provisions applicable to
3 this subchapter by P.L. 99–514, P.L. 100–203, P.L. 100–647, P.L. 101–73, P.L.
4 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508, P.L. 102–227, excluding sections
5 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L. 102–486, P.L. 103–66, excluding
6 sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66, P.L.
7 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L. 104–188, excluding sections
8 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, P.L. 104–191, P.L.
9 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L. 105–206, P.L. 105–277, P.L.
10 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
11 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
12 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L.
13 107–276, and P.L. 108–121, excluding section 109 of P.L. 108–121, “net income”
14 means the federal regulated investment company taxable income, federal real estate
15 mortgage investment conduit taxable income, federal real estate investment trust
16 or financial asset securitization investment trust taxable income of the corporation,
17 conduit or trust as determined under the Internal Revenue Code as amended to
18 December 31, 1998, excluding sections 103, 104, and 110 of P.L. 102–227, sections
19 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L. 103–66 and sections 1123
20 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104–188, and as amended by P.L.
21 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554, excluding sections 162 and 165 of
22 P.L. 106–554, P.L. 107–16, excluding section 431 of P.L. 107–16, P.L. 107–134, P.L.
23 107–147, excluding sections 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L.
24 107–276, and P.L. 108–121, excluding section 109 of P.L. 108–121, and as indirectly
25 affected in the provisions applicable to this subchapter by P.L. 99–514, P.L. 100–203,

1 P.L. 100–647, P.L. 101–73, P.L. 101–140, P.L. 101–179, P.L. 101–239, P.L. 101–508,
2 P.L. 102–227, excluding sections 103, 104, and 110 of P.L. 102–227, P.L. 102–318, P.L.
3 102–486, P.L. 103–66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and
4 13203 (d) of P.L. 103–66, P.L. 103–296, P.L. 103–337, P.L. 103–465, P.L. 104–7, P.L.
5 104–188, excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L.
6 104–188, P.L. 104–191, P.L. 104–193, P.L. 105–33, P.L. 105–34, P.L. 105–178, P.L.
7 105–206, P.L. 105–277, P.L. 106–36, P.L. 106–170, P.L. 106–230, P.L. 106–554,
8 excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16, excluding section 431
9 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections 101 and 406 of P.L.
10 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121, excluding section 109
11 of P.L. 108–121, except that property that, under s. 71.02 (1) (c) 8. to 11., 1985 stats.,
12 is required to be depreciated for taxable years 1983 to 1986 under the Internal
13 Revenue Code as amended to December 31, 1980, shall continue to be depreciated
14 under the Internal Revenue Code as amended to December 31, 1980, and except that
15 the appropriate amount shall be added or subtracted to reflect differences between
16 the depreciation or adjusted basis for federal income tax purposes and the
17 depreciation or adjusted basis under this chapter of any property disposed of during
18 the taxable year. The Internal Revenue Code as amended to December 31, 1998,
19 excluding sections 103, 104, and 110 of P.L. 102–227, sections 13113, 13150 (d), 13171
20 (d), 13174, and 13203 (d) of P.L. 103–66, and sections 1123 (b), 1202 (c), 1204 (f), 1311,
21 and 1605 (d) of P.L. 104–188, and as amended by P.L. 106–36, P.L. 106–170, P.L.
22 106–230, P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554, P.L. 107–16,
23 excluding section 431 of P.L. 107–16, P.L. 107–134, P.L. 107–147, excluding sections
24 101 and 406 of P.L. 107–147, P.L. 107–181, and P.L. 107–276, and P.L. 108–121,
25 excluding section 109 of P.L. 108–121, and as indirectly affected in the provisions

1 applicable to this subchapter by P.L. 99-514, P.L. 100-203, P.L. 100-647, P.L.
2 101-73, P.L. 101-140, P.L. 101-179, P.L. 101-239, P.L. 101-508, P.L. 102-227,
3 excluding sections 103, 104, and 110 of P.L. 102-227, P.L. 102-318, P.L. 102-486, P.L.
4 103-66, excluding sections 13113, 13150 (d), 13171 (d), 13174, and 13203 (d) of P.L.
5 103-66, P.L. 103-296, P.L. 103-337, P.L. 103-465, P.L. 104-7, P.L. 104-188,
6 excluding sections 1123 (b), 1202 (c), 1204 (f), 1311, and 1605 (d) of P.L. 104-188, P.L.
7 104-191, P.L. 104-193, P.L. 105-33, P.L. 105-34, P.L. 105-178, P.L. 105-206, P.L.
8 105-277, P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections
9 162 and 165 of P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L.
10 107-134, P.L. 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L. 107-181,
11 and P.L. 107-276, and P.L. 108-121, excluding section 109 of P.L. 108-121, applies
12 for Wisconsin purposes at the same time as for federal purposes. Amendments to the
13 Internal Revenue Code enacted after December 31, 1998, do not apply to this
14 subdivision with respect to taxable years that begin after December 31, 1998, and
15 before January 1, 2000, except that changes to the Internal Revenue Code made by
16 P.L. 106-36, P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and
17 165 of P.L. 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134,
18 P.L. 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L. 107-181, and P.L.
19 107-276, and P.L. 108-121, excluding section 109 of P.L. 108-121, and changes that
20 indirectly affect the provisions applicable to this subchapter made by P.L. 106-36,
21 P.L. 106-170, P.L. 106-230, P.L. 106-554, excluding sections 162 and 165 of P.L.
22 106-554, P.L. 107-16, excluding section 431 of P.L. 107-16, P.L. 107-134, P.L.
23 107-147, excluding sections 101 and 406 of P.L. 107-147, P.L. 107-181, and P.L.
24 107-276, and P.L. 108-121, excluding section 109 of P.L. 108-121, apply for
25 Wisconsin purposes at the same time as for federal purposes.